## REMARKS/ARGUMENTS

Reconsideration and allowance are respectfully requested. By this amendment, Applicants have amended Claims 1, 4, 5, 6, 10, 13, 15, and 18. Applicants have cancelled Claims 2 and 11. Applicants respectfully request reconsideration of pending Claims 1, 3-10, and 12-18.

### I. Objection to the Specification

The Title of the Invention was objected to as not being descriptive, and a new title was required that was indicative of the invention to which the claims are directed.

Applicants have amended the Title of the Invention as suggested by the Examiner and therefore respectfully request withdrawal of the objection to the specification.

### II. Claim Objection – 37 CFR 1.75

#### A. Claims 4 and 13

The Examiner objected to Claims 4 and 13 under 37 CFR 1.75 as failing to further limit the claims from which they depend. Specifically, the Examiner stated that Claims 4 and 13 are drawn to a method of making the body of the spacer and the parent claims (Claims 1 and 10) are drawn to the structural limitations of the spacer.

Claims 4 and 13 have been amended to recite additional structural limitations of the spacer, further limiting the claims from which they depend.

In light of the above, Applicants respectfully request withdrawal of the objection to Claims 4 and 13 under 37 CFR 1.75.

**B. Claims 6 and 15**

The Examiner objected to Claims 6 and 15 under 37 CFR 1.75 because of an informality. Specifically, the Examiner stated that Claims 6 and 15 refer to "apertures" when "aperture" is more appropriate.

Claims 6 and 15 have been amended to correct the informality.

In light of the above, Applicants respectfully request withdrawal of the objection to Claims 6 and 15 under 37 CFR 1.75.

## III. Claim Rejection – 35 U.S.C. § 102

The Examiner rejected Claims 1, 2, 5-11, and 14-18 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,871,723 issued to Pray (hereinafter "Pray"). Applicants have amended independent Claims 1, 10, and 18 to more precisely describe the claimed embodiments and respectfully request withdrawal of the rejection.

**A. Independent Claim 1**

Amended Claim 1 specifies, among other things,

> a first aperture passing through the body, the first aperture having a first length through the body; a second aperture passing through the body, **the second aperture having a second length through the body, the second length different than the first length; a third aperture passing through the body, the third aperture having a third length through the body, the third length different than the first length and the second length**; and wherein the body has a first orientation with respect to the fan housing and structural support in which the body separates the fan housing from the surface of the structural support by the first length when installed with a fastener passed through the first aperture and into the structural support; **wherein the body has a second orientation** with respect to the fan housing and structural support **in which the body separates the**

> **fan housing from the surface of the structural support by the second length** when installed with a fastener passed through the second aperture and into the structural support and wherein **the body has a third orientation** with respect to the fan housing and structural support **in which the body separates the fan housing from the surface of the structural support by the third length** when installed with a fastener passed through the third aperture and into the structural support.

Pray discloses a bearing mount 1 for positioning a bearing on a support surface in one of several selected orientations. *See Pray*, col. 1, lines 41-44. The bearing mount 1 has several smooth mounting surfaces 31, 32, and 33. In addition, "[to] secure bearing mount 1 to a support surface 2 with either flange sides 31 or 32 abutting the support surface, holes 37 extend through mounting flanges 30 between front and back surfaces 33 and 34 respectively. Pins or bolts 4 may be inserted through holes 36 to secure the bearing mount 1 on the support surface 2." *Id.* at col. 3, lines 60-62, Figs. 1, 2, 4, and 5. Pray further discloses that "[h]oles 36 extend through mounting flanges 30 between front and back surfaces 33 and 34." *Id.* at col. 4, lines 8-11. Also, "hole 55 extend[s] into mounting flange 30 from flange end 35." *Id.* at col. 4, lines 56-57, Fig. 5.

The bearing mount 1 of Pray can have a first orientation, as shown in Fig. 7, in which the length of holes 36 can define a length of separation between two surfaces 33 and 34. The bearing mount 1 of Pray can also have a second orientation, as shown in Fig. 6, in which the length of holes 37 **partially** define a length of separation between two surfaces 31 and 32. This second orientation does **not** have a hole (aperture) that has the same length as the separation between the surfaces as required by amended Claim 1.

Pray also does not disclose a third aperture passing through the body that also defines the length between two surfaces in a third orientation, with the length being different than the lengths of the other two orientations, as required by amended Claim 1. If, for the sake of argument, surface 35 is one of the surfaces for a third orientation, hole 55 could be the only possible aperture. Hole 55, however, does not pass through the body, but instead "extend[s]

into" the body **partially** as shown clearly in Fig. 5. In addition, hole 55 does not define a length between any two surfaces.

Accordingly, Pray does not disclose "a second aperture passing through the body, the second aperture having a second length through the body, the second length different than the first length; a third aperture passing through the body, the third aperture having a third length through the body, the third length different than the first length and the second length; and wherein the body ... has a second orientation ... in which the body separates the fan housing from the surface of the structural support by the second length ... and wherein the body has a third orientation ... in which the body separates the fan housing from the surface of the structural support by the third length," as required by amended Claim 1. For at least the above reasons, independent Claim 1 and dependent Claims 3-9 are allowable.

**B. Dependent Claims 2 and 5-9**

Claim 2 has been cancelled. Claims 5-9 depend from independent Claim 1 and are therefore allowable for the reasons set forth above with respect to Claim 1. Claims 5-9 also include additional patentable subject matter not specifically discussed herein.

**C. Independent Claim 10**

Amended Claim 10 specifies, among other things,

> a body defining a first aperture, a second aperture, and **a third aperture extending in different directions through the body, the body positionable** in a first orientation between the web portion and the housing to mount the fan housing on the structural support, **in a second orientation** between the web portion and the fan housing to mount the fan housing on the structural support, **and in a third orientation** between the web portion and the housing to mount the fan housing on the structural support, ... **wherein the fan housing is spaced** a first distance, substantially equal to a length of the first aperture, from the web in the first orientation of the body, **a second distance, substantially equal to a**

**length of the second aperture, from the web in the second orientation of the body, the second distance different than the first distance, and a third distance, substantially equal to a length of the third aperture, from the web in the third orientation of the body, the third distance different from the first distance and the second distance.**

As discussed above with respect to Claim 1, Pray discloses a bearing mount 1 for positioning a bearing on a support surface in one of several selected orientations. The bearing mount 1 includes several different holes (apertures). Holes 36 extend in one direction, holes 37 extend in a second direction, and holes 55 extend in a third direction. Holes 36 and holes 37 extend through the bearing mount 1. Holes 55, however, only extend into the bearing mount 1 (body) **partially** and not through the bearing mount 1 (body) as required by amended Claim 10.

In addition, as discussed above with respect to Claim 1, the bearing mount 1 of Pray can have a second orientation, as shown in Fig. 6, in which the length of holes 37 **partially** define a length of separation between two surfaces 31 and 32 capable of separating a fan housing from a web. This second orientation does **not** have a hole (aperture) that has a length substantially equal to the spacing between the fan housing and the web as required by amended Claim 10.

Further, Pray does not disclose a third aperture extending through the body whose length is equal to the spacing between a fan housing and a web, in a third orientation, as required by amended Claim 10. As discussed above with respect to Claim 1, hole 55 does not define a length between any two surfaces. Hole 55, therefore, cannot define a length between a fan housing and a web.

Accordingly, Pray does not disclose "a first aperture, a second aperture, and **a third aperture extending in different directions through the body, the body positionable** in a first orientation ... **in a second orientation** ... **and in a third orientation** ... **wherein the fan housing is spaced** ... **a second distance, substantially equal to a length of the second aperture, from the web in the second orientation of the body, the second distance different than the first distance, and a third distance, substantially equal to a length of the third aperture, from the web in the third orientation of the body, the third distance different**

**from the first distance and the second distance,**" as required by amended Claim 10. For at least the above reasons, independent Claim 10 and dependent Claims 12-17 are allowable.

**D. Dependent Claims 11 and 14-17**

Claim 11 has been cancelled. Claims 14-17 depend from independent Claim 10 and are therefore allowable for the reasons set forth above with respect to Claim 10. Claims 14-17 also include additional patentable subject matter not specifically discussed herein.

**E. Independent Claim 18**

Amended Claim 18 specifies "a first aperture defined in the body and shaped to receive a fastener through the body, the first aperture having a length passing through the body that is the same as the first dimension; a second aperture defined in the body and shaped to receive a fastener through the body, **the second aperture having a length passing through the body that is the same as the second dimension**; a third aperture defined in the body and shaped to receive a fastener through the body, **the third aperture having a length passing through the body that is the same as the third dimension**; ... **a second mounting orientation ... in which the spacer separates the fan housing from the mounting surface of the structural support by a second distance substantially the same as the second dimension**, wherein the second distance is different than the first distance; and **a third mounting orientation ... in which the spacer separates the fan housing from the mounting surface of the structural support by a third distance substantially the same as the third dimension**, wherein the third distance is different than the first distance and the second distance.

As discussed above with respect to Claims 1 and 10, Pray does not disclose three separate apertures passing through the body and having three separate lengths where the lengths of each aperture are different and the lengths of each aperture are substantially the same as the distance, in a given orientation, between a fan housing and a mounting surface of a structural support as required by amended Claim 18.

Accordingly, Pray does not disclose "the second aperture having a length passing through the body that is the same as the second dimension; ... the third aperture having a length passing through the body that is the same as the third dimension; ... a second mounting orientation ... in which the spacer separates the fan housing from the mounting surface of the structural support by a second distance substantially the same as the second dimension, wherein the second distance is different than the first distance; and a third mounting orientation ... in which the spacer separates the fan housing from the mounting surface of the structural support by a third distance substantially the same as the third dimension, wherein the third distance is different than the first distance and the second distance," as required by amended Claim 18. For at least the above reasons, independent Claim 18 is allowable.

## IV. Claim Rejection – 35 U.S.C. § 103

The Examiner rejected Claims 3 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Pray in view of United States Patent No. 5,492,032 issued to Hartman (hereinafter "Hartman") and Claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Pray.

### A. Dependent Claims 3 and 4

Claims 3 and 4 depend from independent Claim 1 and are therefore allowable for the reasons set forth above with respect to Claim 1. Hartman does not cure the deficiencies of Pray. Hartman discloses a boat wheel mounting bracket which includes several apertures, one of which is tapered. Hartman does not disclose a second aperture and a third aperture, both passing through the body, and defining a distance between mounting surfaces, the second and third distances different from each other and a first distance defined by a first aperture.

In addition, Claims 3 and 4 include additional patentable subject matter not specifically discussed herein.

### B. Dependent Claims 12 and 13

Claims 12 and 13 depend from independent Claim 10 and are therefore allowable for the reasons set forth above with respect to Claim 10. As noted above, Hartman does not cure the

deficiencies of Pray. In addition, Claims 12 and 13 include additional patentable subject matter not specifically discussed herein.

## V. Conclusion

In light of the above, Applicants respectfully request reconsideration and allowance of pending Claims 1, 3-10, and 12-18. The undersigned is available for telephone consultation at any time.

Respectfully submitted,

Carlo M. Cotrone
Reg. No. 48,715

File No. 018695-9352
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560